REMARKS

In response to the Office Action mailed June 2, 2003, Applicants respectfully request reconsideration. To further the prosecution of the application, each of the rejections has been considered and is addressed below. The application is believed to be in condition for allowance.

The Office Action rejected each of the pending claims (i.e., claims 1-61) under 35 U.S.C. §103(a) as being obvious over Staheli (5,537,533) in view of Firooz (6,145,019). Applicants respectfully traverse this rejection.

Discussion of the References

Staheli (5,537,533)

Staheli is directed to a system and method for remote mirroring of digital data from a primary network server to a remote network server. The system of Staheli includes a primary data transfer unit (DTU) and a remote DTU which are connectable with one another by a conventional communication link (Abstract). The primary DTU sends mirrored data from the primary network server over the link to the remote DTU, which is located a safe distance from the primary DTU (col. 5, lines 29-32). The remote DTU receives the mirrored data and sends it in turn to the replacement server, which stores the data in a conventional manner (col. 5, lines 32-35). The replacement server is not active as a network server while the primary server is functioning normally, but stands ready to be brought on-line as a replacement if the primary server fails (col. 5, lines 36-39). Therefore, only one of the servers is active at a time (col. 5, lines 39-40).

Firooz (6,145,019)

Firooz is directed to computer peripheral devices, and more specifically to the automatic configuration of primary and secondary peripheral devices for personal computers. (col. 1, lines 8-10.) As defined in Firooz, peripheral devices include magnetic disk drives, compact disk drives, tape drives, and some devices other than memory devices that are connected to a host adapter (col. 1, lines 13-23.) Firooz is directed to avoiding the use of conventional jumpers that were traditionally required to identify whether a particular peripheral device was a primary peripheral device or a secondary peripheral device. (col. 1, lines 25 though 34). Thus, Firooz discloses detecting whether a device is a primary peripheral device or a secondary peripheral device and automatically configuring the device accordingly during the initial power-up of a

personal computer (col. 3, 29-54 and col. 5, lines 15-18). Thus, the teachings of Firooz are limited to configuring peripheral devices and not to configuring host computers

The Combination of References is Improper

The Office Action asserts that one of ordinary skill in the art would have been motivated to incorporate "the automatically configuring a second host computer to provide additional computational resources for the first host computer in response to the act of detecting as taught by Firooz in the method of Staheli to reduce latency and cost while being more versatile in terms of functionality." Applicants respectfully disagree.

Initially, Applicants note that Firooz does not teach "automatically configuring a second host computer to provide additional computational resources for the first host computer," as the Office Action suggests. Firooz discloses automatically configuring **a peripheral device** (e.g., a magnetic disk drive) as either a primary peripheral device or a secondary peripheral device upon power up of a personal computer. Thus, Firooz does not teach either configuring a **host computer** or performing a configuration to provide **additional** computational resources as alleged in the Office Action.

One of skill in the art would have been motivated by the teachings of Firooz to automatically configure a peripheral device upon power up of a personal computer to make any modification whatsoever to the data mirroring system of Staheli. Staheli is directed to mirroring data on servers in different geographical locations. Firooz is directed to the entirely different and unrelated endeavor of determining whether an ATA/IDE peripheral device in a personal computer is a primary peripheral device or a secondary peripheral device upon power up of the personal computer. The prior art of record provides nothing to suggest that one of skill in the art of remote mirroring data facilities such as Staheli would have been motivated in any manner by Firooz, which is directed to the entirely unrelated field of configuring personal computer peripheral devices.

The Office Action asserts that incorporating the automatic configuration ability of Firooz into the data mirroring method of Staheli would "reduce latency and cost, while being more versatile in terms of functionality." Applicants respectfully disagree, as the system of Firooz is entirely unrelated to data mirroring and would not benefit, improve, or otherwise impact the data mirroring system of Staheli. In addition, the automatic configuration of Firooz takes place only when the computer is initially powered on, whereas the data mirroring system of Staheli assumes that both the primary server and replacement server are already powered on before any data

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mirroring takes place. Thus, one of skill in the art would not have been motivated to modify the data mirroring system of Staheli to incorporate the automatic configuration ability of Firooz for the reasons alleged in the Office Action, or for any other reason.

In view of the foregoing, it is respectfully asserted that the combination of Staheli and Firooz asserted in the Office Action is improper. Accordingly, the rejection of claims 1-61 under 35 U.S.C. §103(a) as purportedly being obvious over this combination should be withdrawn.

The Claims Patentably Distinguish Over the Combination

Even assuming, *arguendo,* that one of ordinary skill in the art would have been motivated to combine Staheli and Firooz, the result would be a data mirroring system including a primary server and a replacement server (as taught by Staheli), wherein each of the servers includes peripheral devices which may automatically be configured as a primary peripheral device and a secondary peripheral device (as taught by Firooz). Such a system is very different from Applicants' claimed invention.

Claim 1

Claim 1 is directed to a method comprising acts of detecting a decrease in performance of a first host computer and automatically configuring a second host computer to provide additional computational resources for the first host computer in response to the act of detecting.

Staheli and Firooz, taken individually or in combination, fail to disclose, teach, or suggest Applicants' invention as recited in claim 1.

First, the Office Action asserts that Staheli discloses, "detecting a decrease in performance of a first host computer." Applicants respectfully disagree. Staheli discloses that a replacement server is brought online only if the primary server fails. ("At most one instance of the network operating system runs at any time...") (col. 5, lines 39-40). Detecting a decrease in performance of a computer is very different from detecting a failure. Similarly, claim 1 further recites, "automatically configuring a second host computer to provide additional computational resources for the first host computer in response to the act of detecting." The resources provided by the second host computer in response to the act of detecting are additional resources. That is, these additional resources are provided in addition to the resources provided by the first host computer. By contrast, Staheli discloses bringing online a replacement server only after the primary server fails, such that the servers do not operate simultaneously. As Firooz is directed to configuring peripheral devices upon power up of a personal computer and is unrelated to

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performance monitoring, Firooz also fails to disclose or suggest, "detecting a decrease in performance of a first host computer."

Second, the Office Action asserts that while Staheli fails to disclose or suggest, "automatically configuring a second host computer to provide additional computational resources for the first host computer in response to the act of detecting," Firooz discloses this limitation of claim 1. While Applicants agree that Staheli fails to disclose this limitation, Applicants respectfully disagree that it is disclosed by Firooz.

As discussed above, Firooz discloses automatically **configuring a peripheral device**. This is very different from **automatically configuring a second host computer** to provide additional resources for the first host computer. Further, the automatic configuration of Firooz is performed **in response to powering on a personal computer**. This very different from automatically configuring a second host computer **in response to an act of detecting a decrease in performance of a first host computer**. Therefore, neither Staheli nor Firooz disclose "automatically configuring a second host computer to provide additional computational resources for the first host computer" as recited in claim 1, let alone doing so "in response to an act of detecting a decrease in performance of the first host computer" as further recited in claim 1.

Because Staheli and Firooz, taken individually or in combination, fail to disclose all of the limitations recited in claim 1, claim 1 patentably distinguishes over Staheli and Firooz. Accordingly, it is respectfully requested that the rejection of claim 1 under 35 U.S.C. §103(a) be withdrawn.

Claims 2-28 depend from claim 1 and patentably distinguish over Staheli and Firooz for at least the reasons discussed above in connection with claim 1. Accordingly, it is respectfully requested that the rejection of these claims under 35 U.S.C. §103(a) be withdrawn.

Claim 29

Claim 29 is directed to a computer system comprising a first host computer, a second host computer, and a controller, operatively coupled to the first host computer and the second host computer, that automatically configures the second host computer to provide additional computational resources for the first host computer in response to a decrease in performance of the first host computer.

As should be clear from the discussion above in connection with claim 1, neither Staheli nor Firooz discloses or suggests "a controller, operatively coupled to the first host computer and

the second host computer, that automatically configures the second host computer to provide additional computational resources for the first host computer in response to a decrease in performance of the first host computer."

Thus, claim 29 patentably distinguishes over Staheli and Firooz. Accordingly, it is respectfully requested that the rejection of claim 29 under 35 U.S.C. §103(a) be withdrawn.

Claims 30-44 depend from claim 29 and patentably distinguish over Staheli and Firooz for at least the reasons discussed above in connection with claim 29. Accordingly, it is, respectfully requested that the rejection of these claims under 35 U.S.C. §103(a) be withdrawn.

Claim 45

Claim 45 is directed to a computer system comprising a first host computer, a second host computer and configuration means, coupled to the first host computer and the second host computer, for automatically configuring the second host computer to provide additional computational resources for the first host computer in response to a decrease in performance of the first host computer.

As should be clear from the discussion above in connection with claim 1, claim 45 patentably distinguishes over Staheli and Firooz, taken individually or in combination, because neither reference discloses or suggests "configuration means, coupled to the first host computer and the second host computer, for automatically configuring the second host computer to provide additional computational resources for the first host computer in response to a decrease in performance of the first host computer."

In view of the foregoing, claim 45 patentably distinguishes over Staheli and Firooz. Accordingly, it is respectfully requested that the rejection of claim 45 under 35 U.S.C. §103(a) be withdrawn.

Claims 46-51 depend from claim 45 and patentably distinguish over Staheli and Firooz for at least the reasons discussed above in connection with claim 45. Accordingly, it is respectfully requested that the rejection of these claims under 35 U.S.C. §103(a) be withdrawn.

Claim 52

Claim 52 is directed to a storage system for use with a first host computer and a second host computer. The storage system comprises a first storage device to store data of the first host computer and a controller that is coupled to the first storage device, wherein the controller, when operatively coupled to the first host computer and the second host computer, automatically

configures the second host computer to use the data of the first host computer and provide additional computational resources for the first host computer in response to a decrease in performance of the first host computer.

As should be clear from the discussion above in connection with claim 1, claim 52 patentably distinguishes over Staheli and Firooz, taken individually or in combination, because neither reference discloses or suggests a controller that, "when operatively coupled to the first host computer and the second host computer, automatically configures the second host computer to use the data of the first host computer and provide additional computational resources for the first host computer in response to a decrease in performance of the first host computer."

In view of the foregoing, claim 52 patentably distinguishes over Staheli and Firooz. Accordingly, it is respectfully requested that the rejection of claim 52 under 35 U.S.C. §103(a) be withdrawn.

Claims 53-61 depend from claim 52 and patentably distinguish over Staheli and Firooz for at least reasons discussed above in connection with claim 52. Accordingly, it is respectfully requested that the rejection of these claims under 35 U.S.C. §103(a) be withdrawn.

CONCLUSION

In view of the foregoing remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' attorney at the number listed below to discuss any outstanding issues relating to the allowability of the application.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to deposit account No. 23/2825.

Respectfully submitted,

Yao Wang et al., Applicants

By: _____

Richard F. Giunta, Reg. No. 36,149
WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Boston, MA 02210-2211
Tel. no. (617) 720-3500
Attorney for Applicant(s)

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